

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

FILED

JUN 22 2010

ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY E. L. L. DEPUTY

DONNA B. LIMBAUGH,

Plaintiff,

vs.

MICHAEL J. ASTRUE, Commissioner
of the Social Security Administration,

Defendant.

No. CIV-09-692-W

ORDER

On June 3, 2010, United States Magistrate Judge Robert E. Bacharach issued a Report and Recommendation in this matter and recommended that the decision of Michael J. Astrue, Commissioner of the Social Security Administration ("Commissioner"), denying the Application for Disability Insurance Benefits and the Application for Supplemental Security Income filed by plaintiff Donna B. Limbaugh be reversed. Magistrate Judge Bacharach further recommended that this matter be remanded for additional administrative proceedings. The parties were advised of their right to object to Magistrate Judge Bacharach's Report and Recommendation, but neither party has objected within the allotted time.

Upon review of the record, the Court concurs with Magistrate Judge Bacharach's finding that remand of this matter is warranted because the Administrative Law Judge ("ALJ") failed to explain her implicit rejection of the opinions rendered by Karl Limbaugh, M.D.

Accordingly, the Court

(1) ADOPTS the Report and Recommendation [Doc. 24] issued on June 3, 2010;


(2) REVERSES the Commissioner's decision denying Limbaugh's Application for Disability Insurance Benefits and her Application for Supplemental Security Income;

(3) REMANDS this matter to the Commissioner pursuant to sentence four of Section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), for further administrative proceedings;

(4) DIRECTS the ALJ upon remand "to provide specific, legitimate reasons," Doyal v. Barnhart, 331 F.3d 758, 764 (10th Cir. 2003), for her implicit rejection of the medical opinions offered by Dr. Limbaugh; and

(5) ORDERS that judgment pursuant to this Order issue forthwith.

ENTERED this 22nd day of June, 2010.


LEE R. WEST
UNITED STATES DISTRICT JUDGE